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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,101	10/17/2005	Arne B. Wallin	5146-06-14 (WALLIN-06.PCT)	2487
55678 7590 02/01/2010				
Miltons IP/p.i. 225 Metcalfe Street Suite 700 Ottawa, ON K2P 1P9 CANADA				
EXAMINER				
LAUX, JESSICA L				
ART UNIT		PAPER NUMBER		
3635				
MAIL DATE		DELIVERY MODE		
02/01/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/553,101

## Applicant(s)

WALLIN, ARNE B.

## Examiner

JESSICA LAUX

## Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-19 is/are allowed.
- 6) ☒ Claim(s) 1-7, 12, 13 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 8-11, 14 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed 10/29/2009 have been fully considered but they are not persuasive.

Applicant argues that the previous office action refers to figures 6-7 of Desjoyaux for teaching a footing form. The previous office action refers to figures 6-7 as showing a continuous footing formed after the form has been filled with binder material, thereby supporting the position the office takes in maintaining that Desjoyaux does disclose a footing form (as noted below in the attached drawing) that when filled with binder material with confine such binder between the footing form and the supporting surface.

With regards to claims 13,17 - Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant merely states that the prior art does not disclose the claimed features without explaining or support such a position with regards to the office action assertions. The invention of Desjoyaux is capable of interconnection with adjacent such forms to create a continuous wall and footing. Desjoyaux is disclosed as being used for creating pool walls, which form a perimeter, and therefore the forms must be capable of interconnection otherwise such a perimeter could not be formed.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

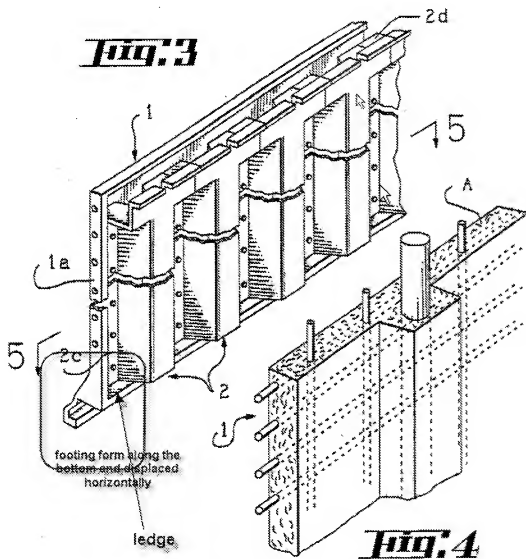
**Claims 1-6, 13,15 are rejected under 35 U.S.C. 102(b) as being anticipated by Desjoyaux et al (5111628).**

Claim 1. Desjoyaux discloses a preformed wall panel having base and top ends and two vertical side edges for installation on a supporting surface, comprising:

a) a wall portion having a width and height fitted with a vertical flange form (2) with an interior flange volume for creating a flange on the wall portion when filled with binder material; and

b) a footing form (generally at the bottom of the form) fitted along the wall portion proximate to but displaced horizontally (as seen in the disclosed figure below) the base end of the wall panel to provide a downwardly open but upwardly closed (where the ledge as noted below closes the upper portion of the footing form) footing volume that will, when filled with binder material, confine such binder between the footing form and said supporting surface when installed thereon (as seen in figures 6-7), wherein said vertical flange form and footing form define interconnected volumes and wherein said forms serve to contain binder material poured into the footing form through the vertical flange form to provide said wall portion with both a flange and a footing (where the portion clearly extends horizontally from the base of the wall portion and has material cast therein as noted above), and wherein the footing form of the panel extends along the base end of the panel for the width of the panel to provide a continuous footing volume whereby the footing form can be filled with a continuous volume of binder

material that serves as the footing along the base end of the panel (as seen in figures 3-7).



Claim 2. A preformed wall panel as in claim 1 comprising a trough form mounted along the top end of the wall portion defining a trough volume (generally seen near 2d of

figures 3-7) that communicates with said flange volume for receiving binder material at the same time that the vertical and footing forms are being filled with binder material.

Claims 3-5. A wall panel as in claim 1 comprising reinforcing coupling means (such as wire reinforcing ties, see note below) protruding from said wall portion into any one or more of said flange, footing or trough volumes to position and support reinforcing rod to be placed within said one or more volumes for connecting and supporting the volumes (Col. 3, lines 18-22, where Desjoyaux disclose reinforcing within the wall portion and connecting it to reinforcing in one of said flange, footing or trough volumes; it is known to interlace vertical and horizontal bars with wire reinforcing ties; as seen in figures 4,7; accordingly the reinforcing of the wall portion acts as a reinforcing support for the reinforcing of the flange, footing or trough volumes).

Claim 6. A wall panel as in claim 5 comprising flange-to-footing coupling means extending between the flange form volume and the footing volume to provide reinforcement for binder material to be cast therein (as seen in figure 4 where there is a vertical reinforcing coupling means between the flange and foot portion).

Claim 13. A preformed wall panel as in claim 1 wherein the material for the flange (2) and footing forms (as part of the wall portion and the cast material) is of sheet material which is fastened by embedment to the panel wall portion (1) of edges of the sheet material which edges are interrupted from alignment in a straight line so as to reduce the tendency for cracks to proliferate in the wall portion (Cols. 3-4).

Claim 15. A building wall system comprising a plurality of panels as in claim 1 for mounting on a base surface wherein the footing forms of the respective panels are

aligned to provide against said base surface a series of continuous, interconnected footing volumes extending between consecutive footing forms of each panel whereby the footing forms can be filled with a continuous volume of binder material that serves as the footing for the wall (Cols. 3-5; figure 6).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 12, 15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over House et al (5588786) in view of Desjoyaux et al (5111628).**

Claims 1, 15, 17. House discloses a preformed wall panel having base and top ends and two vertical side edges, comprising:

a) a wall portion having a width and height fitted with a vertical flange form with an interior flange volume (as seen in the figures; i.e. 30,38 as seen in figure 2) for creating a flange on the wall portion when filled with binder material; and further comprising two wall sections meeting at an angle and further comprising a corner piece having vertical faces shaped to abut the vertical side edges of adjacent wall panels of said respective wall sections, said adjacent wall panels having vertical half-forms mounted along said abutting vertical side edges and further comprising a joiner piece for joining said respective half-forms and protruding coupling means (any of elements 134,136;272,274;288,290) to become embedded in the concrete of the corner piece (as

seen in figures 1-8); and further where said wall panels are for serving as the first tier in a multiple-tiered wall, in combination with a second building wall as in claim 15 to form a second tier for said multiple tiered wall, said second building wall being positioned on top of said first building wall (for example as seen in figure 3, where the elements are clearly for serving as forming multiple tiers of building walls).

House discloses the protruding coupling means but does not expressly disclose that they are precast into the inner surface of the corner piece. At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the coupling means of House to be integral with the corner piece to provide efficient assembly of the elements.

House discloses that the wall panels are placed on a footing but does not expressly disclose that the footing is continuous and connected to the wall panel and flanges.

Desjoux et al discloses a preformed wall panel (as noted above) having vertical flange form volumes (as presented above) and further having a footing form (generally at the bottom of the form) fitted along the wall portion proximate to, but displaced horizontally from the base end of the wall panel to provide a downwardly open footing volume, wherein said vertical flange form and footing form define interconnected volumes and wherein said forms serve to contain binder material poured into the footing form through the vertical flange form to provide said wall portion with both a flange and a footing, and wherein the footing form of the panel extends along the base end of the panel for the width of the panel to provide a continuous footing volume whereby the



footing form can be filled with a continuous volume of binder material that serves as the footing along the base end of the panel (as seen in figures 3-7); wherein the footing forms of the respective panels are aligned to provide against said base surface a series of continuous, interconnected footing volumes extending between consecutive footing forms of each panel whereby the footing forms can be filled with a continuous volume of binder material that serves as the footing for the wall (Cols. 3-5; figure 6).

At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the wall panel system of House to have a continuous and connected footing form as disclosed by Desjoyaux to provide an efficient wall panel system that is easily assembled (where the footing does not need to be made prior to the placement of the wall).

Claim 12. The wall panel as in claim 1 above where House discloses having vertical half flange forms mounting on said wall portion along the two vertical side edges of the wall portion for coupling to an adjacent half flange form when two wall panels are abutted, but does not disclose that the outer edges has a least portions of its surface extending to overlap and permit coupling.

Desjoyaux discloses having outer edges that have portions that extend to overlap to permit coupling of adjacent forms (figure 11 at 2e).

Therefore in view of Desjoyaux it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the edges of House to overlap to provide for a secure connection that does not separate or permit leakage when binder is placed.

**Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over House et al (5588786) in view of Desjoyaux et al (5111628) and referenced by US Patents 6332599 and 6244005.**

Claim 16. House in view of Desjoyaux disclose the building wall system as in claim 15 but do not expressly disclose the panel comprising reinforcing means laid in the interconnected footing volumes before they are filled with binder material to become embedded therein once the forms are filled with binder material.

However it is notoriously common and well known in the art to provide reinforcing within a footing to prevent cracking and provide the required structural strength to the footing. US Patents 6332599 and 6244005 both disclose wall panel systems having footings where there is additional reinforcing laid in the footing volumes.

In view of the prior art it would have been obvious at the time the invention was made to modify the wall panel as presented above to have reinforcing within the footing volumes to improve the strength and structural soundness of the footing.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux et al (5111628) in view of Wallin (6244005) or Palmer (2200636)**

Claim 7. Desjoyaux discloses the wall panel as in claim 6, but does not expressly disclose that said flange-to-footing coupling means connects with said reinforcing rod positioned within the footing volume. Both Wallin and Palmer disclose that it is known to provide flange to footing coupling means in a wall construction (as seen in the figures). Therefore at the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the wall system of Desjoyaux to have

flange to footing reinforcing to provide a strong and structurally sound connection between the wall and footing to evenly distribute forces applied to the wall system.

***Allowable Subject Matter***

Claims 18-19 are allowed.

Claims 8-11, 14, 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter of claim 8: Desjoyaux and the prior art either alone or in combination do not disclose an outer edge portion that is initially below the wall portion in one position and then is capable of becoming aligned (indicating movement of the outer edge relative to the wall portion) with the wall portion when placed. Desjoyaux and the prior art disclose stationary outer edges not movable ones.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA LAUX whose telephone number is (571)272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./  
Supervisory Patent Examiner, Art Unit 3635

/J. L./  
Examiner, Art Unit 3635